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11

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF ARIZONA**

14 United States of America,  
15 Plaintiff/Respondent,  
16 v.  
17 Abdul Malik Abdul Kareem,  
18 Defendant/Movant.

2:15-cr-00707-SRB

**MOTION FOR VIRTUAL  
TESTIMONY VIA TELEPHONE  
OR ZOOM**

20 The defense moves the Court for an order permitting it to present witnesses  
21 virtually through telephone or Zoom at the re-sentencing proceedings scheduled for  
22 October 19, 2021.  
23

24 Counsel has spoken with Assistant U.S. Attorney Koehler regarding this motion.  
25 The government has no objection to the process that would allow the witnesses to testify  
26  
27  
28

1                   remotely or virtually, but the government reserves its right to challenge the relevance or  
2                   appropriateness of the substance of the testimony.

3                   No excludable delay under 18 US.C. § 3161 will occur as a result of this motion or  
4                   an order thereon.  
5

6                   RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of October, 2021.

7                   **MAYNARD CRONIN ERICKSON**  
8                   **& CURRAN, P.L.C.**

9  
10                  **DRAKE LAW, PLC**

11                  By /s/Daniel D. Maynard  
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20                  Phoenix, Arizona 85078  
21                  Attorneys for Defendant/Appellant

14  
15                  **MEMORANDUM**

16                  The defense wishes to call two lay witnesses and one expert witness in connection  
17                  with the re-sentencing set for October 19, 2021. One witness is in Nevada, one in  
18                  Minnesota, and the third in Connecticut. Remote testimony is already planned for use in  
19                  this case with the government witnesses.  
20

21                  Permitting remote testimony of defense witnesses would make it easier for the  
22                  witnesses to offer their testimony. Two are employed and the third is a foster parent for  
23                  a three-month old. It would work a hardship on these witnesses to require them to testify  
24                  in person, perhaps sufficient a hardship for them to seek some sort of relief from the  
25  
26  
27  
28

1 obligation to appear. Additionally, it would give the appearance of unequal treatment for  
2 government and defense witnesses.

3 The clerk's office has indicated that it has already set up a Zoom video call that  
4 present audio and video of the witnesses. The clerk can place non-testifying witnesses in  
5 a secure virtual waiting room queued up ready to testify when called. It also can share  
6 exhibits from the courtroom with the remote witnesses. They already have this set up for  
7 the prosecution witnesses, and could add the three defense witnesses, if permitted by the  
8 Court.  
9

10 For the foregoing reasons, the defense moves the Court to order that the three  
11 defense witnesses may testify remotely in connection with the re-sentencing scheduled  
12 for October 19, 2021.  
13

14 RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of October, 2021.  
15

16 **MAYNARD CRONIN ERICKSON &**  
17 **CURRAN, P.L.C.**

18 By /s/Daniel D. Maynard

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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants: AUSA Joseph E. Koehler and AUSA Kristen Brook. Additionally, a copy was served upon Mr. Abdul Kareem by first class letter, postage prepaid, at:

Abdul Malik Abdul Kareem #44126-408  
Central Arizona Florence Correctional Complex  
P.O. Box 6300  
Florence, AZ 85132

/s/Rosalie Mobley  
Rosalie Mobley